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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,300	12/22/2005	Kyoji Kasuga	64634(48882)	3699

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EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON, MA 02205

EXAMINER

KAYRISH, MATTHEW

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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06/14/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,300

Applicant(s)

KASUGA, KYOJI

Examiner

Matthew G. Kayrish

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Sawada (US Patent Number 6618340), in view of Obata (US Patent Number 6973660).

Regarding claim 1, Sawada discloses:

An optical disc device for recording and reproducing information on and from a single disc (column 1, lines 9-13) which is mounted on a mounting surface of a tray and loaded therewith into a body of the optical disc device (figures 15 & 17), the optical disc device comprising:

A holding mechanism that forms a single disc mounting space (figure 13, items 11 & 12) according to a shape of a single disc to be mounted in the tray, and holds the single disc in the respective mounting space (column 1, lines 44-47);

Wherein the holding mechanism can pivot (figures 9 & 11 displays pivoting) around a predetermined supporting point (figure 13, items 17a thru 18d) in a direction of a face of the single disc to be mounted (figure 11).

Sawada fails to specifically disclose:

A holding mechanism that forms a cartridge mounting space according to a shape of a cartridge to be mounted in the tray, and holds the cartridge in the respective mounting space;

Wherein the holding mechanism can pivot around a predetermined supporting point in a direction of a face of the cartridge to be mounted.

Obata discloses:

A holding mechanism that forms a cartridge mounting space according to a shape of a cartridge to be mounted in the tray (figure 1, item 20 accommodates cartridges), and holds the cartridge in the respective mounting space (column 5, lines 27-36);

Wherein the holding mechanism can pivot around a predetermined supporting point in a direction of a face of the cartridge to be mounted (column 6, lines 11-18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the data drive of Sawada with tray to accommodate cartridges and discs alike, and a pair of arms to position the disc cartridges as well as discs within a tray, as taught by Obata, because this would allow the disc drive of Sawada to accommodate a variety of types of media, as stated in column 2, lines 26-33 of Obata.

Regarding claim 2, Sawada and Obata disclose the features of base claim 1, as stated in the 103 rejection above, and Sawada further disclosing:

Wherein, in order to mount a single disc on the mounting surface in the single disc mounting space, the holding mechanism is provided with a first disc radial direction

restricting portion (figure 13, items 15a thru 15d) whose radius is larger than that of the single disc as measured from an approximate center thereof when the single disc is mounted on the tray (figure 13, claw pieces [15] are at outside the radius of the disc), a first disc thickness direction restricting portion that restricts movement of the single disc in a disc thickness direction (figure 15, claws are above the disc), and a disc bottom guide portion that guides the single disc to the mounting surface (figure 15, disc rests on the tray);

Sawada and Obata fail to specifically disclose:

In order to mount the cartridge on the mounting surface in the cartridge mounting space, the holding mechanism is further provided with a cartridge restricting portion that has the same shape as at least a part of a front end of the cartridge as viewed in a loading direction to the tray, and a first cartridge thickness direction restricting portion that restricts movement of the cartridge in a cartridge thickness direction and that has the same shape as at least a part of a front end of the cartridge as viewed in a loading direction to the tray.

However, the combination of Sawada and Obata, as stated in the rejection of claim 1 above, will provide a tray comprising a pair of claw members to accommodate the cartridges within the tray and keep the cartridge from becoming dislodged, therefore, claim 2 is met by the combination of Sawada and Obata in claim 1.

Regarding claim 6, Sawada and Obata disclose the features of claim 6 that are in common with those previously presented in claim 2, as stated in the 103 rejection above, Sawada further disclosing:

A second radial direction (figure 17, holding members accommodate different sizes) and a second disc thickness direction (figure 13, items 11 & 12 correspond to different sizes of discs).

A second cartridge thickness direction restricting portion that restricts movement of the cartridge in a cartridge thickness direction and that has the same shape as at least a part of a rear end of the cartridge as viewed in a loading direction to the tray (figure 13, holding members are provided at the front and the rear).

Regarding claim 7, Sawada and Obata disclose the features of base claim 6, as stated in the 103 rejection above, Sawada further disclosing:

Wherein a plurality of the holding mechanisms are provided (figure 13).

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawada and Obata as applied to claim 2 above, and further in view of Saito et al (US Patent Number 5844874).

Regarding claim 3, Sawada and Obata disclose the features of base claim 2, as stated in the 103 rejection above, but fail to specifically disclose:

Wherein the holding mechanism is biased with an elastic member so that the single disc mounting space is formed.

Saito discloses:

Wherein the holding mechanism is biased with an elastic member (figure 8, item 91) so that the single disc mounting space is formed (column 6, lines 17-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide holding members of Sawada and Obata with elastic members for biasing purposes, as taught by Saito, because this will bias the holding members to engage with the periphery of the media that is inserted, as stated in column 6, lines 17-28.

Regarding claim 4, Sawada, Obata and Saito disclose the features of base claim 3, as stated in the 103 rejection above, Sawada further disclosing:

Wherein a plurality of the holding mechanisms are provided (figure 13).

Regarding claim 4, Sawada, Obata and Saito disclose the features of base claim 4, as stated in the 103 rejection above, Obata further disclosing:

Wherein pivotal movements of the plurality of holding mechanisms are linked with each other (column 6, lines 11-19).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to link the movement of the holding members together, as taught by Obata, because this will eliminate false positioning of type of disc that is inserted, as implied in column 6, lines 11-19.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew G. Kayrish whose telephone number is 571-272-4220. The examiner can normally be reached on 8am - 5pm M-F.

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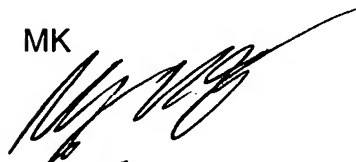
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew G. Kayrish

6/6/2007

MK


6/6/07
WAYNE YOUNG
SUPERVISORY PATENT EXAMINER